

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652

vs.

HON. GEORGE CARAM STEEH

D-4 COREY BAILEY,

Defendant.

_____ /

ORDER DENYING DEFENDANT'S MOTION
FOR DISCOVERY AND TO EXCLUDE RAP
VIDEOS AS MOOT [DOC. 669, 670, 672, 674, 675, 676]

This matter is before the court on defendant Corey Bailey's motion for discovery and to preclude the government's use of rap lyrics and rap videos at trial. The motion is joined in by co-defendants Fisher, Shy, Arnold, Brown, and Patterson. The court previously established a protocol to be used when a rap track or video is offered into evidence. This protocol, repeated below, applies in all trials for defendants indicted in this case.

Before a rap video will be admitted, the government shall provide defendant and the court with the specific excerpt that it intends to present. The government shall restate the purpose for which the evidence is being offered and submit a transcript identifying the speakers in the clip. If being offered for their truth, statements of unidentified speakers who are not

alleged to be co-conspirators shall be excluded as hearsay unless the government articulates a relevant exception under Rule 803. During the court's in camera review, the court will consider whether any hearsay statements are necessary to provide context for the admissible content. If the court is satisfied that the clip is limited to the relevant portions of the evidence, it will be admitted. The court may exclude as cumulative or redundant rap evidence that goes to a fact that has been firmly established by the government. The court may provide a limiting instruction to the jury that the evidence is not to be considered for any improper purpose. Of course, the defendants are free to argue the weight and meaning of the lyrics. [Doc. 790].

IT IS HEREBY ORDERED that defendant's motion for discovery and to exclude rap videos is DENIED.

Dated: June 18, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 18, 2018, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk